



Strathmore
UNIVERSITY

SCHOOL OF HUMANITIES & SOCIAL SCIENCES
BACHELOR OF ARTS IN COMMUNICATION
BAC 3103 MEDIA LAW AND ETHICS
END OF SEMESTER EXAM

Date: 14th November 2022

Time: 10:30 – 12:30

Instructions

Answer Question One and any other TWO questions

[60 MARKS]

SECTION A (Question One)

1. Attached is an excerpt of the judgement of a defamation case between Mr Nicholas Biwott and four defendants at the High Court of Kenya that appeared before Justice A. Visram on December 20th, 2000. Read the abridged judgement obtained from Kenya Law Reports then answer the questions that follow:

(a) Give TWO reasons why Clays Limited may not have felt obliged to comply with Justice's Visram's order to pay the damages amounting to KSh15 million awarded by the court. (8 marks)

(b) The following statement appears in the written judgement:
"Mr Wangethi Mwangi the Editorial Director of the Nation Media Group, the publishers of the *Daily Nation* and the *Sunday Nation*, was called as a witness in these suits. He confirmed the accuracy of the reports carried in his papers."

Provide ONE reason why the *Daily Nation* and *Sunday Nation* were not found liable in the suit even though the newspapers published the claims made by the first and second defendants. (4 marks)

(c) Give ONE reason why an editorial criticising the judgement published in Kenya on December 21st, 2000 may escape court sanctions. (4 marks)

(d) Explain why the *Daily Nation* could face the wrath of the court if the editorial was published on December 21st, 2021. (4 marks)

(e) Describe the following terms as used in newspaper reports on court proceedings. (5 marks)

(i) Respondent

(ii) Perjury

(iii) Contempt of court

(iv) Petition

(v) Plaintiff

(f) Differentiate between the terms slander and libel. (3 marks)

(g) The normal presumption is that journalists will not be expected to reveal their sources. Explain the ONE exception to this general presumption. (2 marks)

SECTION B

2. Highlight FIVE circumstances under which newspaper reporters may find themselves cited for contempt of court. (15 marks)

3. Describe the rule of sub judice as it relates to the publication of newspaper articles. (15 marks)

4. Giving relevant examples, explain FIVE ways to avoid a copyright breach. (15 marks)